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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,362	11/20/2003	Michael E. Caporali	L0562.70048US00	9518

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WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER	
HAGEMAN, MARK	
ART UNIT	**PAPER NUMBER**
3653	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,362	CAPORALI, MICHAEL E.	
	Examiner	Art Unit	
	Jonathan R. Miller	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *12 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 –8, 14, 17, 19 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of the claims 1, 14, 17 and 19 have the language: "a length and width of a standard mail bin as defined by the postal service" or something to that effect. Applicant's remarks point out that there are a "few standard mail bin sizes", which renders the claims indefinite. Each of those "few" bins has different dimensions thus the scope of the claims would change based on which of the "few" bins was used.

3. Claims 1- 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of the claims 1, 9, 19 and 20 has the phrase "at least substantially as large as" that renders the claims indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-10 and 12-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ashbrook. The reference discloses a bottom defining a substantially planar surface having a length and a width (Fig. 1), wherein at least one of the length and the width substantially corresponds to at least one of a length and width of a standard mail bin as defined by the postal service; and at least one support (9) projecting upright from the bottom, wherein the support is sized and configured to support flat mail in a substantially vertical orientation and a slope height of the support is at least substantially as large as a width of the flat mail. Examiner notes that the "width" of the mail can be interpreted as the thickness of the mail, rather than the height of the mail.

6. With regards to claim 2, the reference further discloses the insert comprises a lightweight material (page 1, lines 20+).

7. With regards to claim 4, the reference further discloses the insert comprises two supports (Fig. 1).

8. With regards to claim 5, the reference further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two support have substantially triangular-shaped cross sections (Fig. 1).

9. With regards to claim 6, the reference further discloses the at least one support has a triangular-shaped cross section (Fig. 1).

10. With regards to claim 7, the reference further discloses the bottom and at least one support are created from a single piece of material (5).

11. With regards to claim 8, the reference further discloses the at least one support is created by folding the single piece of material (page 1, lines 20+).

12. With regards to claim 9, the reference further discloses at least one substantially rigid, substantially vertical section projecting from a substantially horizontal section, wherein the insert is sized and configured to receive flat mail from an automatic mail sorter and a slope height of the at least one substantially vertical section is at least substantially as large as a width of the flat mail (Fig. 1).

13. With regards to claim 10, the reference further discloses the insert comprises a lightweight material (page 1, lines 20+).

14. With regards to claim 12, the reference further discloses the insert has two substantially vertical sections (Fig. 1).

15. With regards to claim 13, the reference further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 1).

16. With regards to claim 14, the reference further discloses the insert has a length, and the length of the insert substantially corresponds to a length of a mail sorting bin used by the postal service (Fig. 1).

17. With regards to claim 15, the reference further discloses the insert comprises a single piece of material (page 1, lines 20+).

18. With regards to claim 16, the reference further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (page 1, lines 20+).

19. With regards to claim 17, the reference further discloses the substantially vertical section has a height, and the height of the substantially vertical section approximates a height of a mail sorting bin used by the postal service (Fig. 1).

20. With regards to claim 18, the reference further discloses the insert comprises an anti-slip surface (page 1, lines 20+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.

21. With regards to claim 19, the reference further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin as defined by the postal service; and a plurality of substantially vertical supports attached to the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation, and wherein the slope height of at least one of the plurality of substantially vertical supports is at least substantially as large as a width of the flat mail and the insert is configured to permit automatic sorting of flat mail into carrier walk sequence (Fig. 1).

22. With regards to claim 20, the reference further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and configured to support flat mail in an upright orientation, and wherein a slope height of the upright support is at least substantially as large as a width of flat mail (Fig. 1; page 1, lines 20+).

23. With regards to claim 21, the reference further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one predefined fold line permits a third section to rotate with respect to an adjacent fourth section in the other direction (Fig. 1; page 1, lines 20+).

24. With regards to claim 22, the reference further discloses the standard mail bin is approximately 11 inches high and a height of the at least one support approximates the height of the standard mail bin (Fig. 1).

25. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambert et al. The reference discloses a bottom defining a substantially planar surface (35) having a length and a width, wherein at least one of the length and the width substantially corresponds to at least one of a length and width of a standard mail bin as defined by the postal service; and at least one support (13) projecting upright from the bottom, wherein the support is sized and configured to support flat mail in a substantially vertical orientation and a slope height of the support is at least substantially as large as a width of the flat mail.

26. With regards to claim 2, the reference further discloses the insert comprises a lightweight material (col. 3, lines 14+).

27. With regards to claim 3, the reference further discloses the insert comprises a material selected from the group consisting of cardboard, plastic, wood, and composites (col. 3, lines 14+).

28. With regards to claim 4, the reference further discloses the insert comprises two supports (Fig. 2).

29. With regards to claim 5, the reference further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two support have substantially triangular-shaped cross sections (Fig. 2).

30. With regards to claim 6, the reference further discloses the at least one support has a triangular-shaped cross section (Fig. 2).

31. With regards to claim 7, the reference further discloses the bottom and at least one support are created from a single piece of material (col. 3, lines 14+).

32. With regards to claim 8, the reference further discloses the at least one support is created by folding the single piece of material (col. 3, lines 14+).

33. With regards to claim 9, the reference further discloses at least one substantially rigid substantially vertical section projecting from a substantially horizontal section, wherein the insert is sized and configured to receive flat mail from an automatic mail sorter and a slope height of the at least one substantially vertical section is at least substantially as large as a width of the flat mail (Fig. 2).

34. With regards to claim 10, the reference further discloses the insert comprises a lightweight material (col. 3, lines 14+).

35. With regards to claim 11, the reference further discloses the lightweight material is selected from the group consisting of cardboard, plastic, wood, and composites (col. 3, lines 14+).

36. With regards to claim 12, the reference further discloses the insert has two substantially vertical sections (Fig. 2).

37. With regards to claim 13, the reference further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 2).

38. With regards to claim 14, the reference further discloses the insert has a length, and the length of the insert substantially corresponds to a length of a mail sorting bin used by the postal service (Fig. 2).

39. With regards to claim 15, the reference further discloses the insert comprises a single piece of material (col. 3, lines 14+).

40. With regards to claim 16, the reference further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (col. 3, lines 14+).

41. With regards to claim 17, the reference further discloses the substantially vertical section has a height, and the height of the substantially vertical section approximates a height of a mail sorting bin used by the postal service (Fig. 2).

42. With regards to claim 18, the reference further discloses the insert comprises an anti-slip surface (col. 3, lines 14+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.

43. With regards to claim 19, the reference further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin as defined by the postal service and a plurality of substantially vertical supports attached to the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation, and wherein the slope height of at least one of the plurality of substantially vertical supports is at

least substantially as large as a width of the flat mail and the insert is configured to permit automatic sorting of flat mail into carrier walk sequence (Fig. 2).

44. With regards to claim 20, the reference further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and configured to support flat mail in an upright orientation, and wherein a slope height of the upright support is at least substantially as large as a width of the flat mail (col. 3, lines 14+).

45. With regards to claim 21, the reference further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one predefined fold line permits a third section to rotate with respect to an adjacent fourth section in the other direction (col. 3, lines 14+).

46. With regards to claim 22, the reference further discloses the standard mail bin is approximately 11 inches high and a height of the at least one support approximates the height of the standard mail bin.

47. With regards to claim 23, the reference further discloses the at least one substantially vertical section has a height of approximately 11 inches.

48. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Henig. The reference discloses a bottom (2a) defining a substantially planar surface having a length and a width, wherein at least one of the length and the width substantially corresponds to at least one of

a length and width of a standard mail bin as defined by the postal service; and at least one support (7a, 3) projecting upright from the bottom, wherein the support (3) is sized and configured to support flat mail in a substantially vertical orientation and a slope height of the support is at least substantially as large as a width of the flat mail. (Fig. 11).

49. With regards to claim 2, the reference further discloses the insert comprises a lightweight material (col. 7, lines 10+).

50. With regards to claim 3, the reference further discloses the insert comprises a material selected from the group consisting of cardboard, plastic, wood, and composites (col. 7, lines 10+).

51. With regards to claim 4, the reference further discloses the insert comprises two supports (Fig. 11).

52. With regards to claim 5, the reference further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two support have substantially triangular-shaped cross sections (Fig. 11).

53. With regards to claim 6, the reference further discloses the at least one support has a triangular-shaped cross section (Fig. 11).

54. With regards to claim 7, the reference further discloses the bottom and at least one support are created from a single piece of material (col. 7, lines 10+).

55. With regards to claim 8, the reference further discloses the at least one support is created by folding the single piece of material (col. 7, lines 10+).

56. With regards to claim 9, the reference further discloses at least one substantially rigid substantially vertical section projecting from a substantially horizontal section, wherein the insert

is sized and configured to receive flat mail from an automatic mail sorter and a slope height of the at least one substantially vertical section is at least substantially as large as a width of the flat mail (Fig. 11).

57. With regards to claim 10, the reference further discloses the insert comprises a lightweight material (col. 7, lines 10+).

58. With regards to claim 11, the reference further discloses the lightweight material is selected from the group consisting of cardboard, plastic, wood, and composites (col. 7, lines 10+).

59. With regards to claim 12, the reference further discloses the insert has two substantially vertical sections (Fig. 11).

60. With regards to claim 13, the reference further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 11).

61. With regards to claim 14, the reference further discloses the insert has a length, and the length of the insert substantially corresponds to a length of a mail sorting bin used by the postal service (Fig. 11).

62. With regards to claim 15, the reference further discloses the insert comprises a single piece of material (col. 7, lines 10+).

63. With regards to claim 16, the reference further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (col. 7, lines 10+).

64. With regards to claim 17, the reference further discloses the substantially vertical section has a height, and the height of the substantially vertical section approximates a height of a mail sorting bin used by the postal service (Fig. 11).

65. With regards to claim 18, the reference further discloses the insert comprises an anti-slip surface (col. 7, lines 10+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.

66. With regards to claim 19, the reference further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin as defined by the postal service; and a plurality of substantially vertical supports attached to the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation, and wherein the slope height of at least one of the plurality of substantially vertical supports (3) is at least substantially as large as a width of the flat mail and the insert is configured to permit automatic sorting of flat mail into carrier walk sequence (Fig. 11).

67. With regards to claim 20, the reference further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and configured to support flat mail in an upright orientation, and wherein a slope height if the upright support is at least substantially as large as a width of the flat mail (col. 7, lines 10+).

68. With regards to claim 21, the reference further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one

predefined fold line permits a third section to rotate with respect to an adjacent fourth section in the other direction (col. 7, lines 10+).

69. With regards to claim 22, the reference further discloses the standard mail bin is approximately 11 inches high and a height of the at least one support (3) approximates the height of the standard mail bin.

70. With regards to claim 23, the reference further discloses the at least one substantially vertical section (3) has a height of approximately 11 inches.

Response to Arguments

Applicant's arguments filed 6/12/06 have been fully considered but they are not persuasive. With regards to the arguments pertaining to predetermined fold lines, Examiner disagrees with Applicant's contention that predetermined fold lines necessarily require scoring, perforation etc. Examiner contends that a determination to fold on a fold line before the fold is made is sufficient to meet the limitations.

Conclusion

71. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (571) 272-6940. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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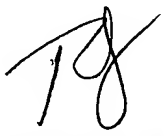

PATRICK MACKEY
PRIMARY EXAMINER